

Senate File 2411 - Introduced

SENATE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 2378)
(SUCCESSOR TO SSB 3164)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to open records and public meetings and providing
2 an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5233SZ 82
5 rh/rj/14

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1 1 Section 1. Section 8A.341, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. If money is appropriated for this purpose, by November
1 4 1 of each year supply a report which contains the name,
1 5 gender, county, or city of residence when possible, official
1 6 title, salary received during the previous fiscal year, base
1 7 salary as computed on July 1 of the current fiscal year, and
1 8 traveling and subsistence expense of the personnel of each of
1 9 the departments, boards, and commissions of the state
1 10 government except personnel who receive an annual salary of
1 11 less than one thousand dollars. The number of the personnel
1 12 and the total amount received by them shall be shown for each
1 13 department in the report. All employees who have drawn
1 14 salaries, fees, or expense allowances from more than one
1 15 department or subdivision shall be listed separately under the
1 16 proper departmental heading. On the request of the director,
1 17 the head of each department, board, or commission shall
1 18 furnish the data covering that agency. The report shall be
1 19 distributed upon request without charge in an electronic
1 20 medium to each caucus of the general assembly, the legislative
1 21 services agency, the chief clerk of the house of
1 22 representatives, and the secretary of the senate. Copies of
1 23 the report shall be made available to other persons in an
1 24 electronic medium upon payment of a fee, which shall not
1 25 exceed the cost of providing the copy of the report. Sections
1 26 22.2 through ~~22.6~~ 22.5 apply to the report. All funds from
1 27 the sale of the report shall be deposited in the printing
1 28 revolving fund established in section 8A.345.

1 29 Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph
1 30 1, Code 2007, is amended to read as follows:

1 31 The department and each agency shall provide for the widest
1 32 possible dissemination of information between agencies and the
1 33 public relating to the enterprise strategic plan and agency
1 34 strategic plans, including but not limited to internet access.
1 35 This section does not require the department or an agency to
2 1 release information which is classified as a confidential
2 2 record under this Code, ~~including but not limited to section~~
~~2 3 22.7.~~

2 4 Sec. 3. Section 8E.202, subsection 3, Code 2007, is
2 5 amended to read as follows:

2 6 3. A record which is confidential under this Code ~~-~~
~~2 7 including but not limited to section 22.7,~~ shall not be
2 8 released to the public under this section.

2 9 Sec. 4. Section 10B.5, subsection 2, Code 2007, is amended
2 10 to read as follows:

2 11 2. Information provided in reports required in this
2 12 chapter is ~~a confidential~~ an optional public record as
2 13 provided in section 22.7. The attorney general may have
2 14 access to the reports, and may use information in the reports
2 15 in any action to enforce state law, including but not limited
2 16 to chapters 9H, 9I, and 10C. The reports shall be made
2 17 available to members of the general assembly and appropriate

2 18 committees of the general assembly in order to determine the
2 19 extent that agricultural land is held in this state by
2 20 corporations and other business and foreign entities and the
2 21 effect of such land ownership upon the economy of this state.
2 22 The secretary of state shall assist any committee of the
2 23 general assembly studying these issues.

2 24 Sec. 5. Section 21.2, subsection 1, Code 2007, is amended
2 25 by adding the following new paragraph:

2 26 NEW PARAGRAPH. i. An entity eligible to exercise
2 27 tax-exempt bonding authority under chapter 7C, including a
2 28 nonprofit tax-exempt bonding authority under chapter 7C
2 29 designated by the state to serve as a secondary market for
2 30 student loans and a nonprofit tax-exempt bonding authority
2 31 under chapter 7C whose board of directors is appointed by the
2 32 governor.

2 33 Sec. 6. Section 21.2, subsection 2, Code 2007, is amended
2 34 to read as follows:

2 35 2. a. "Meeting" means a gathering in person or by
3 1 electronic means, formal or informal, of a majority of the
3 2 members of a governmental body where there is deliberation or
3 3 action upon any matter within the scope of the governmental
3 4 body's policy-making duties. A "meeting" includes the
3 5 calculated use of a series of communications, each between
3 6 less than a majority of the members of a governmental body or
3 7 their personal intermediaries, that is intended to reach and
3 8 does in fact reach a majority of the members of the
3 9 governmental body and that is intended to discuss and develop
3 10 a collective final decision of a majority outside of a meeting
3 11 with respect to specific action to be taken by the majority at
3 12 a meeting.

3 13 b. ~~Meetings shall~~ A "meeting" does not include any of the
3 14 following:

3 15 (1) ~~a~~ A gathering of members of a governmental body for
3 16 purely ministerial or social purposes when there is no
3 17 discussion of policy or no intent to avoid the purposes of
3 18 this chapter.

3 19 (2) Written electronic communications by one or more
3 20 members of a governmental body or by its chief executive
3 21 officer that are ordinarily preserved and are accessible and
3 22 that are sent to a majority of the members of the governmental
3 23 body, or a series of such written electronic communications
3 24 each sent only to a minority of the members of the
3 25 governmental body but that in the aggregate are sent to a
3 26 majority of its members that do both of the following:

3 27 (a) Concern a particular matter within the scope of the
3 28 governmental body's policy-making duties.

3 29 (b) Would otherwise constitute a meeting.

3 30 However, this exclusion only applies if the written
3 31 electronic communications, to the extent such communications
3 32 are not exempt from disclosure pursuant to section 22.7 or
3 33 another statute, are either posted on the governmental body's
3 34 internet site or public bulletin board at least twenty-four
3 35 hours prior to the next regular meeting or copies are made
4 1 available for public inspection at least twenty-four hours
4 2 prior to the governmental body's next regular meeting. If a
4 3 special meeting is held on the subject matter of the
4 4 communications before the next regular meeting, the
4 5 communications shall be posted at least twenty-four hours
4 6 prior to the special meeting or made available for public
4 7 inspection at least twenty-four hours prior to that meeting.

4 8 Sec. 7. Section 21.4, subsections 1 and 3, Code 2007, are
4 9 amended to read as follows:

4 10 1. A ~~Except as provided in subsection 3,~~ a governmental
4 11 body, ~~except township trustees,~~ shall give notice of the time,
4 12 date, and place of each meeting including a reconvened meeting
4 13 of the governmental body, and ~~its~~ the tentative agenda of the
4 14 meeting, in a manner reasonably calculated to apprise the
4 15 public of that information. Reasonable notice shall include
4 16 advising the news media who have filed a request for notice
4 17 with the governmental body and posting the notice on a
4 18 bulletin board or other prominent place which is easily
4 19 accessible to the public and clearly designated for that
4 20 purpose at the principal office of the body holding the
4 21 meeting, or if no such office exists, at the building in which
4 22 the meeting is to be held.

4 23 3. Subsection 1 does not apply to any of the following:

4 24 a. A meeting reconvened within four hours of the start of
4 25 its recess, where an announcement of the time, date, and place
4 26 of the reconvened meeting is made at the original meeting in
4 27 open session and recorded in the minutes of the meeting and
4 28 there is no change in the agenda.

4 29 b. A meeting held by a formally constituted subunit of a
4 30 parent governmental body ~~may conduct a meeting without notice~~
4 31 ~~as required by this section~~ during a lawful meeting of the
4 32 parent governmental body, or during a recess in that meeting
4 33 of up to four hours, or a meeting of that subunit immediately
4 34 following ~~that the~~ meeting of the parent governmental body, if
4 35 the meeting of ~~the that~~ subunit is publicly announced in open
5 1 session at the parent meeting and the subject of the meeting
5 2 reasonably coincides with the subjects discussed or acted upon
5 3 by the parent governmental body.

5 4 Sec. 8. Section 21.5, subsection 1, paragraphs j and k,
5 5 Code Supplement 2007, are amended to read as follows:

5 6 j. To discuss the purchase of particular real estate only
5 7 where premature disclosure could be reasonably expected to
5 8 increase the price the governmental body would have to pay for
5 9 that property. The minutes and the ~~tape~~ audio recording of a
5 10 session closed under this paragraph shall be available for
5 11 public examination when the transaction discussed is
5 12 completed.

5 13 k. To discuss information contained in records in the
5 14 custody of a governmental body that are ~~confidential~~ optional
5 15 public records pursuant to section 22.7, subsection 50.

5 16 Sec. 9. Section 21.5, subsection 1, Code Supplement 2007,
5 17 is amended by adding the following new paragraph:

5 18 NEW PARAGRAPH. 1. To discuss patient care quality and
5 19 process improvement initiatives in a meeting of a public
5 20 hospital or to discuss marketing and pricing strategies or
5 21 similar proprietary information in a meeting of a public
5 22 hospital, where public disclosure of such information would
5 23 harm such a hospital's competitive position when no public
5 24 purpose would be served by public disclosure. The minutes and
5 25 the audio recording of a closed session under this paragraph
5 26 shall be available for public inspection when the public
5 27 disclosure would no longer harm the hospital's competitive
5 28 position. For purposes of this paragraph, "public hospital"
5 29 means the same as defined in section 249J.3.

5 30 Sec. 10. Section 21.5, subsection 4, Code Supplement 2007,
5 31 is amended to read as follows:

5 32 4. A governmental body shall keep detailed minutes of all
5 33 discussion, persons present, and action occurring at a closed
5 34 session, and shall also ~~tape~~ audio record all of the closed
5 35 session. The detailed minutes and ~~tape~~ audio recording of a
6 1 closed session shall be sealed and shall not be public records
6 2 open to public inspection. However, upon order of the court
6 3 in an action to enforce this chapter, the detailed minutes and
6 4 ~~tape~~ audio recording shall be unsealed and examined by the
6 5 court in camera. The court shall then determine what part, if
6 6 any, of the minutes should be disclosed to the party seeking
6 7 enforcement of this chapter for use in that enforcement
6 8 proceeding. In determining whether any portion of the minutes
6 9 or recording shall be disclosed to such a party for this
6 10 purpose, the court shall weigh the prejudicial effects to the
6 11 public interest of the disclosure of any portion of the
6 12 minutes or recording in question, against its probative value
6 13 as evidence in an enforcement proceeding. After such a
6 14 determination, the court may permit inspection and use of all
6 15 or portions of the detailed minutes and ~~tape~~ audio recording
6 16 by the party seeking enforcement of this chapter. A
6 17 governmental body shall keep the detailed minutes and ~~tape~~
6 18 audio recording of any closed session for a period of at least
6 19 one year from the date of that meeting, except as otherwise
6 20 required by law.

6 21 Sec. 11. Section 21.6, subsection 3, paragraph a, Code
6 22 2007, is amended to read as follows:

6 23 a. Shall assess each member of the governmental body who
6 24 participated in its violation damages in the amount of not
6 25 more than five hundred dollars ~~nor and not~~ less than one
6 26 hundred dollars. However, if a member of a governmental body
6 27 knowingly participated in such a violation, damages shall be
6 28 in the amount of not more than two thousand five hundred
6 29 dollars and not less than one thousand dollars. These damages
6 30 shall be paid by the court imposing it to the state of Iowa,
6 31 if the body in question is a state governmental body, or to
6 32 the local government involved if the body in question is a
6 33 local governmental body. A member of a governmental body
6 34 found to have violated this chapter shall not be assessed such
6 35 damages if that member proves that the member did any of the
7 1 following:

- 7 2 (1) Voted against the closed session.
- 7 3 (2) Had good reason to believe and in good faith believed
7 4 facts which, if true, would have indicated compliance with all

7 5 the requirements of this chapter.

7 6 (3) Reasonably relied upon a decision of a court, ~~or a~~
7 7 formal opinion of the Iowa public information board, the
7 8 attorney general, or the attorney for the governmental body,
7 9 given in writing, or as memorialized in the minutes of the
7 10 meeting at which a formal oral opinion was given, or an
7 11 advisory opinion of the Iowa public information board, the
7 12 attorney general, or the attorney for the governmental body,
7 13 given in writing.

7 14 Sec. 12. Section 21.6, subsection 3, paragraph d, Code
7 15 2007, is amended to read as follows:

7 16 d. Shall issue an order removing a member of a
7 17 governmental body from office if that member has engaged in a
7 18 prior violation of this chapter for which damages were
7 19 assessed against the member during the member's term. In
7 20 making this determination, the court shall recognize
7 21 violations for which damages were assessed by the Iowa public
7 22 information board created in section 23.3.

7 23 Sec. 13. NEW SECTION. 22.0A PURPOSE.

7 24 The purpose of this chapter is to provide as much
7 25 transparency in government operations as possible consistent
7 26 with the need to avoid undue invasions of personal privacy and
7 27 the need to avoid significant interference with the
7 28 achievement of other important and legitimate state
7 29 objectives.

7 30 Sec. 14. Section 22.1, Code 2007, is amended to read as
7 31 follows:

7 32 22.1 DEFINITIONS.

7 33 1. "Confidential record" means a government record
7 34 designated by statute as unavailable for examination and
7 35 copying by members of the public.

8 1 ~~1.~~ 2. The term "government "Government body" means this
8 2 state, or any county, city, township, school corporation,
8 3 political subdivision, tax-supported district, nonprofit
8 4 corporation other than a fair conducting a fair event as
8 5 provided in chapter 174, whose facilities or indebtedness are
8 6 supported in whole or in part with property tax revenue and
8 7 which is licensed to conduct pari-mutuel wagering pursuant to
8 8 chapter 99D, an entity eligible to exercise tax-exempt bonding
8 9 authority under chapter 7C, including a nonprofit tax-exempt
8 10 bonding authority under chapter 7C designated by the state to
8 11 serve as a secondary market for student loans and a nonprofit
8 12 tax-exempt bonding authority under chapter 7C whose board of
8 13 directors is appointed by the governor, or other entity of
8 14 this state, or any branch, department, board, bureau,
8 15 commission, council, committee, official, or officer of any of
8 16 the foregoing or any employee delegated the responsibility for
8 17 implementing the requirements of this chapter.

8 18 3. "Government record" means a record owned by, created
8 19 by, in the possession of, or under the control of, any unit,
8 20 division, or part of state or local government or the
8 21 officials or employees of such public bodies in the course of
8 22 the performance of their respective duties.

8 23 ~~2.~~ 4. The term "lawful "Lawful custodian" means the
8 24 government body currently in physical possession of the public
8 25 government record. The custodian of a public government
8 26 record in the physical possession of persons outside a
8 27 government body is the government body owning that government
8 28 record. The government records relating to the investment of
8 29 public funds are the property of the public body responsible
8 30 for the public funds. Each government body shall delegate to
8 31 particular officials or employees of that government body the
8 32 responsibility for implementing the requirements of this
8 33 chapter and shall publicly announce the particular officials
8 34 or employees to whom responsibility for implementing the
8 35 requirements of this chapter has been delegated. "Lawful
9 1 custodian" does not mean an automated data processing unit of
9 2 a public body if the data processing unit holds the government
9 3 records solely as the agent of another public body, nor does
9 4 it mean a unit which holds the government records of other
9 5 public bodies solely for storage.

9 6 3. ~~As used in this chapter, "public records" includes all~~
9 7 ~~records, documents, tape, or other information, stored or~~
9 8 ~~preserved in any medium, of or belonging to this state or any~~
9 9 ~~county, city, township, school corporation, political~~
9 10 ~~subdivision, nonprofit corporation other than a fair~~
9 11 ~~conducting a fair event as provided in chapter 174, whose~~
9 12 ~~facilities or indebtedness are supported in whole or in part~~
9 13 ~~with property tax revenue and which is licensed to conduct~~
9 14 ~~pari-mutuel wagering pursuant to chapter 99D, or tax-supported~~
9 15 ~~district in this state, or any branch, department, board,~~

~~9 16 bureau, commission, council, or committee of any of the~~
~~9 17 foregoing.~~

~~9 18 "Public records" also includes all records relating to the~~
~~9 19 investment of public funds including but not limited to~~
~~9 20 investment policies, instructions, trading orders, or~~
~~9 21 contracts, whether in the custody of the public body~~
~~9 22 responsible for the public funds or a fiduciary or other third~~
~~9 23 party.~~

9 24 5. "Optional public record" means a government record
9 25 designated by statute as unavailable for examination and
9 26 copying by members of the public unless otherwise ordered by a
9 27 court, by the lawful custodian of the records, or by another
9 28 person duly authorized to release such information.

9 29 6. "Public record" means a government record to which
9 30 members of the public have an unqualified right to examine and
9 31 copy and includes a government record not designated by
9 32 statute as either a confidential record or an optional public
9 33 record.

9 34 7. "Record" means information of every kind, nature, and
9 35 form preserved or stored in any medium including but not
10 1 limited to paper, electronic media, or film media.

10 2 Sec. 15. Section 22.2, subsection 2, Code 2007, is amended
10 3 to read as follows:

10 4 2. A government body shall not prevent the examination or
10 5 copying of a public record by contracting with a nongovernment
10 6 body to perform any of its duties or functions. A record
10 7 created by, in the possession of, or under the control of, any
10 8 nongovernment body or person, which is a direct part of the
10 9 execution or performance of duties imposed upon the
10 10 nongovernment body or person by contract with a government
10 11 body under which the nongovernment body or person performs a
10 12 function of the government body, is a government record. The
10 13 lawful custodian of such a government record is the government
10 14 body with whom the nongovernment body or person has executed
10 15 the contract.

10 16 Sec. 16. NEW SECTION. 22.2A RECORD REQUESTS == TIME
10 17 LIMITS.

10 18 1. Upon receipt of an oral or written request to examine
10 19 or copy a public record, the lawful custodian shall, if
10 20 feasible in the ordinary course of business, permit such
10 21 examination or copying at the time of the request. If it is
10 22 not feasible in the ordinary course of business to permit
10 23 examination or copying of the public record at the time of the
10 24 request, the lawful custodian shall immediately notify the
10 25 requester, orally or in writing, when such examination or
10 26 copying may take place, which shall be no later than five
10 27 business days from the time of the request unless there is
10 28 good cause for further delay. If further delay is necessary
10 29 because of good cause in responding to a request to examine or
10 30 copy a record the lawful custodian knows is a public record,
10 31 the lawful custodian shall provide the requester with a
10 32 written statement detailing the reason or reasons for the
10 33 delay and the date by which the request will be satisfied.

10 34 2. If the lawful custodian is in doubt as to whether the
10 35 record requested is a public record or whether the requester
11 1 should be permitted to examine or copy an optional public
11 2 record specified in section 22.7, the lawful custodian shall
11 3 make that determination within ten business days from the date
11 4 of the request unless further delay is necessary because of a
11 5 pending request by the lawful custodian to the Iowa public
11 6 information board for an opinion regarding the status of the
11 7 record requested, or other good cause, which is communicated
11 8 in writing to the requester. Examination or copying of the
11 9 government record shall be allowed within five business days
11 10 from the date the lawful custodian makes the decision in such
11 11 circumstances to permit examination or copying of the record
11 12 unless there is good cause for further delay in fulfilling the
11 13 request as provided in subsection 1.

11 14 3. If the lawful custodian denies a request to examine or
11 15 copy a public record, the custodian must provide the requester
11 16 at the time of the denial a written statement denying the
11 17 request and detailing the specific reason or reasons for the
11 18 denial.

11 19 4. If the lawful custodian does not fulfill a request to
11 20 examine or copy a public record within the times prescribed in
11 21 this section, the request shall be deemed denied and the
11 22 requester shall be entitled to file a complaint with the Iowa
11 23 public information board pursuant to section 23.7 or file a
11 24 lawsuit against the lawful custodian pursuant to section
11 25 22.10.

11 26 Sec. 17. Section 22.3, subsection 2, Code 2007, is amended

11 27 to read as follows:

11 28 2. All expenses of the examination and copying shall be
11 29 paid by the person desiring to examine or copy. The lawful
11 30 custodian may charge a reasonable fee for the services of the
11 31 lawful custodian or the custodian's authorized designee in
11 32 supervising the examination and copying of the records or in
11 33 reviewing the records for optional public record information
11 34 or for confidential record information prior to release. If
11 35 the lawful custodian is a state executive branch agency, the
12 1 lawful custodian shall provide such services at no charge to a
12 2 requester for up to three hours per month. If copy equipment
12 3 is available at the office of the lawful custodian of any
12 4 public records, the lawful custodian shall provide any person
12 5 a reasonable number of copies of any public record in the
12 6 custody of the office upon the payment of a fee. The fee for
12 7 the copying service as determined by the lawful custodian
12 8 shall not exceed the actual cost of providing the service.
12 9 Actual costs shall include only those expenses directly
12 10 attributable to supervising the examination of and making and
12 11 providing copies of public records. Actual costs shall not
12 12 include charges for ordinary expenses or costs such as
12 13 employment benefits, depreciation, maintenance, electricity,
12 14 or insurance associated with the administration of the office
12 15 of the lawful custodian.

12 16 Sec. 18. Section 22.4, Code 2007, is amended to read as
12 17 follows:

12 18 22.4 HOURS WHEN AVAILABLE.

12 19 The rights of persons under this chapter may be exercised
12 20 at any time during the customary office hours of the lawful
12 21 custodian of the government records. However, if the lawful
12 22 custodian does not have customary office hours of at least
12 23 thirty hours per week, such right may be exercised at any time
12 24 from nine o'clock a.m. to noon and from one o'clock p.m. to
12 25 four o'clock p.m. Monday through Friday, excluding legal
12 26 holidays, unless the person exercising such right and the
12 27 lawful custodian agree on a different time.

12 28 Sec. 19. Section 22.7, subsection 7, Code Supplement 2007,
12 29 is amended to read as follows:

12 30 7. Appraisals or appraisal information concerning the
12 31 purchase of real or personal property for public purposes,
12 32 prior to ~~public announcement of a project~~ the submission of
12 33 the appraisal to the property owner or other interest holders
12 34 as provided in section 6B.45.

12 35 Sec. 20. Section 22.7, subsection 10, Code Supplement
13 1 2007, is amended by striking the subsection.

13 2 Sec. 21. Section 22.7, subsection 11, Code Supplement
13 3 2007, is amended to read as follows:

13 4 11. a. Personal information in confidential personnel
13 5 records of ~~public government bodies including but not limited~~
13 6 ~~to cities, boards of supervisors and school districts relating~~
13 7 ~~to identified or identifiable individuals who are officials,~~
13 8 ~~officers, or employees of the government bodies. However, the~~
13 9 ~~following information relating to such individuals contained~~
13 10 ~~in personnel records shall be public records:~~

13 11 (1) The name and compensation of the individual including
13 12 any written agreement establishing compensation or any other
13 13 terms of employment excluding any information otherwise
13 14 excludable from public information pursuant to this section or
13 15 any other applicable provision of law. For purposes of this
13 16 paragraph, "compensation" means payment of, or agreement to
13 17 pay, any money, thing of value, or financial benefit conferred
13 18 in return for labor or services rendered by an officer,
13 19 employee, or other person plus the value of benefits including
13 20 but not limited to casualty, disability, life, or health
13 21 insurance, other health or wellness benefits, vacation,
13 22 holiday, and sick leave, severance payments, retirement
13 23 benefits, and deferred compensation.

13 24 (2) The date the individual was employed by the government
13 25 body.

13 26 (3) The positions the individual holds or has held with
13 27 the government body.

13 28 (4) The individual's qualifications for the position that
13 29 the individual holds or has held including but not limited to
13 30 educational background and work experience.

13 31 (5) Any final disciplinary action taken against the
13 32 individual that resulted in the individual's discharge.

13 33 b. Personal information in confidential personnel records
13 34 of government bodies relating to student employees shall only
13 35 be released pursuant to 20 U.S.C. } 1232g.

14 1 Sec. 22. Section 22.7, subsection 18, Code Supplement
14 2 2007, is amended to read as follows:

14 3 18. a. Communications not required by law, rule,
14 4 procedure, or contract that are made to a government body or
14 5 to any of its employees by identified persons outside of
14 6 government, to the extent that the government body receiving
14 7 those communications from such persons outside of government
14 8 could reasonably believe that those persons would be
14 9 discouraged from making them to that government body if they
14 10 were available for general public examination. As used in
14 11 this subsection, "persons outside of government" does not
14 12 include persons or employees of persons who are communicating
14 13 with respect to a consulting or contractual relationship with
14 14 a government body or who are communicating with a government
14 15 body with whom an arrangement for compensation exists.
14 16 Notwithstanding this provision:

14 17 ~~a.~~ (1) The communication is a public record to the extent
14 18 that the person outside of government making that
14 19 communication consents to its treatment as a public record.

14 20 ~~b.~~ (2) Information contained in the communication is a
14 21 public record to the extent that it can be disclosed without
14 22 directly or indirectly indicating the identity of the person
14 23 outside of government making it or enabling others to
14 24 ascertain the identity of that person.

14 25 ~~c.~~ (3) Information contained in the communication is a
14 26 public record to the extent that it indicates the date, time,
14 27 specific location, and immediate facts and circumstances
14 28 surrounding the occurrence of a crime or other illegal act,
14 29 except to the extent that its disclosure would plainly and
14 30 seriously jeopardize a continuing investigation or pose a
14 31 clear and present danger to the safety of any person. In any
14 32 action challenging the failure of the lawful custodian to
14 33 disclose any particular information of the kind enumerated in
14 34 this paragraph, the burden of proof is on the lawful custodian
14 35 to demonstrate that the disclosure of that information would
15 1 jeopardize such an investigation or would pose such a clear
15 2 and present danger.

15 3 b. This subsection does not apply to information relating
15 4 to applications to a government body for employment.

15 5 Sec. 23. Section 22.7, subsections 40, 43, and 48, Code
15 6 Supplement 2007, are amended to read as follows:

15 7 40. The portion of a record request that contains an
15 8 internet protocol number ~~which identifies the computer from~~
15 9 ~~which a person requests a record, whether the person using~~
15 10 ~~such computer makes the request through the IowaAccess network~~
15 11 ~~or directly to a lawful custodian. However, such record may~~
15 12 ~~be released with the express written consent of the person~~
15 13 ~~requesting the record.~~

15 14 43. Information obtained by the commissioner of insurance
15 15 pursuant to section 502.607, subsection 2.

15 16 48. Sex offender registry records under chapter 692A
15 17 ~~except shall only be released~~ as provided in section 692A.13.

15 18 Sec. 24. Section 22.7, subsection 52, paragraphs a and c,
15 19 Code Supplement 2007, are amended to read as follows:

15 20 a. The following records relating to a charitable donation
15 21 ~~made to a foundation acting solely for the support of an~~
15 22 ~~institution governed by the state board of regents, to a~~
15 23 ~~foundation acting solely for the support of an institution~~
15 24 ~~governed by chapter 260C, to a private foundation as defined~~
15 25 ~~in section 509 of the Internal Revenue Code organized for the~~
15 26 ~~support of a government body, or to an endow Iowa qualified~~
15 27 ~~community foundation, as defined in section 15E.303, organized~~
15 28 ~~for the support of a government body:~~

15 29 (1) Portions of records that disclose a donor's or
15 30 prospective donor's personal, financial, estate planning, or
15 31 gift planning matters.

15 32 (2) Records received from a donor or prospective donor
15 33 regarding such donor's prospective gift or pledge.

15 34 (3) Records containing information about a donor or a
15 35 prospective donor in regard to the appropriateness of the
16 1 solicitation and dollar amount of the gift or pledge.

16 2 (4) Portions of records that identify a prospective donor
16 3 and that provide information on the appropriateness of the
16 4 solicitation, the form of the gift or dollar amount requested
16 5 by the solicitor, and the name of the solicitor.

16 6 (5) Portions of records disclosing the identity of a donor
16 7 or prospective donor, including the specific form of gift or
16 8 pledge that could identify a donor or prospective donor,
16 9 directly or indirectly, when such donor has requested
16 10 anonymity in connection with the gift or pledge. This
16 11 subparagraph does not apply to a gift or pledge from a
16 12 publicly held business corporation.

16 13 c. Except as provided in paragraphs "a" and "b", portions

16 14 of records relating to the receipt, holding, and disbursement
16 15 of gifts made for the benefit of regents institutions and made
16 16 through foundations established for support of regents
16 17 institutions, including but not limited to written
16 18 fund-raising policies and documents evidencing fund-raising
16 19 practices, shall be subject to this chapter. Unless otherwise
16 20 provided, the lawful custodian of all records subject to this
16 21 paragraph is the regents institution to be benefited by such
16 22 gifts.

16 23 Sec. 25. Section 22.7, subsection 55, Code Supplement
16 24 2007, is amended to read as follows:

16 25 55. An intelligence assessment and intelligence data under
16 26 chapter 692, ~~except shall only be released~~ as provided in
16 27 section 692.8A.

16 28 Sec. 26. Section 22.7, Code Supplement 2007, is amended by
16 29 adding the following new subsections:

16 30 NEW SUBSECTION. 60. PUBLIC EMPLOYMENT APPLICATIONS.

16 31 a. The identity and qualifications of an applicant for
16 32 employment by a government body if the applicant requests
16 33 anonymity in writing and the government body determines that
16 34 anonymity is necessary to induce the applicant to apply for
16 35 the employment position. Such information shall be exempt
17 1 from disclosure until an applicant is considered by the
17 2 government body to be a finalist for the position. For
17 3 purposes of this subsection, "finalist" means any applicant
17 4 who is determined to be among those who are under final
17 5 consideration for the position, and at least includes the five
17 6 most qualified applicants as determined by the recommending or
17 7 selecting authority. If there are five or fewer applicants
17 8 for the particular position, all of the applicants shall be
17 9 considered finalists for purposes of this subsection. The
17 10 identities and qualifications of the finalists shall be made
17 11 available for public inspection at least three business days
17 12 prior to a final decision.

17 13 b. Documents relating to a government body's evaluation of
17 14 the qualifications and merits of an applicant for employment
17 15 by that government body.

17 16 NEW SUBSECTION. 62. TENTATIVE, PRELIMINARY, OR DRAFT
17 17 MATERIALS. Tentative, preliminary, draft, speculative, or
17 18 research material, created prior to its completion for the
17 19 purpose for which it is intended and in a form prior to the
17 20 form in which it is submitted for use or used in the actual
17 21 formulation, recommendation, adoption, or execution of any
17 22 official policy or action by a public official authorized to
17 23 make such decisions for the government body. Such materials
17 24 shall be treated as a public record at the time the materials
17 25 are actually used for the final formulation, recommendation,
17 26 adoption, or execution of any official policy or action of a
17 27 government body.

17 28 NEW SUBSECTION. 63. CLOSED SESSION RECORDS. Information
17 29 in records that would permit a governmental body subject to
17 30 chapter 21 to hold a closed session pursuant to section 21.5
17 31 in order to avoid public disclosure of that information.

17 32 Sec. 27. Section 22.8, subsection 1, Code 2007, is amended
17 33 to read as follows:

17 34 1. The district court may grant an injunction restraining
17 35 the examination, including copying, of a specific public
18 1 record or a narrowly drawn class of public records. A hearing
18 2 shall be held on a request for injunction upon reasonable
18 3 notice as determined by the court to persons requesting access
18 4 to the record which is the subject of the request for
18 5 injunction. It shall be the duty of the lawful custodian and
18 6 any other person seeking an injunction to ensure compliance
18 7 with the notice requirement. Such an injunction may be issued
18 8 only if the petition supported by affidavit shows and if the
18 9 court finds both any of the following:

18 10 a. That the examination would clearly not be in the public
18 11 interest because the potential harm to the public interest
18 12 from disclosure of the particular information involved clearly
18 13 outweighs any potential benefit to the public interest from
18 14 disclosure.

18 15 b. That the examination would substantially and
18 16 irreparably injure any person or persons because it would
18 17 invade the personal privacy of the identified subject of the
18 18 record and the harm to that person from such disclosure is not
18 19 outweighed by the public interest in its disclosure.

18 20 c. That the record at issue is not a public record.

18 21 d. That the record at issue is a record exempt from
18 22 mandatory disclosure pursuant to section 22.7 and that a
18 23 determination by the custodian to permit inspection of the
18 24 record by one or more members of the public is a violation of

18 25 law or is arbitrary, capricious, unreasonable, or an abuse of
18 26 discretion.

18 27 Sec. 28. Section 22.8, subsection 4, paragraphs c and d,
18 28 Code 2007, are amended to read as follows:

18 29 c. To determine whether the government record in question
18 30 is a public record, an optional public record, or a
18 31 confidential record.

18 32 d. To determine whether ~~a confidential~~ an optional public
18 33 record should be available for inspection and copying to the
18 34 person requesting the right to do so. A reasonable delay for
18 35 this purpose shall not exceed ~~twenty calendar days and~~
19 1 ~~ordinarily should not exceed~~ ten business days.

19 2 Sec. 29. Section 22.10, subsection 3, paragraph b, Code
19 3 2007, is amended to read as follows:

19 4 b. Shall assess the persons who participated in its
19 5 violation damages in the amount of not more than five hundred
19 6 dollars ~~not and not~~ less than one hundred dollars. However,
19 7 if a member of a governmental body knowingly participated in
19 8 such a violation, damages shall be in the amount of not more
19 9 than two thousand five hundred dollars and not less than one
19 10 thousand dollars. These damages shall be paid by the court
19 11 imposing them to the state of Iowa if the body in question is
19 12 a state government body, or to the local government involved
19 13 if the body in question is a local government body. A person
19 14 found to have violated this chapter shall not be assessed such
19 15 damages if that person proves that the person ~~either voted did~~
19 16 any of the following:

19 17 (1) Voted against the action violating this chapter,
19 18 refused to participate in the action violating this chapter,
19 19 or engaged in reasonable efforts under the circumstances to
19 20 resist or prevent the action in violation of this chapter+
19 21 had.

19 22 (2) Had good reason to believe and in good faith believed
19 23 facts which, if true, would have indicated compliance with the
19 24 requirements of this chapter+~~or reasonably.~~

19 25 (3) Reasonably relied upon a decision of a court, ~~or an a~~
19 26 formal opinion of the Iowa public information board, the
19 27 attorney general, or the attorney for the government body,
19 28 given in writing, or as memorialized in the minutes of the
19 29 meeting at which a formal oral opinion was given, or an
19 30 advisory opinion of the Iowa public information board, the
19 31 attorney general, or the attorney for the governmental body,
19 32 given in writing.

19 33 Sec. 30. Section 22.10, subsection 3, paragraph d, Code
19 34 2007, is amended to read as follows:

19 35 d. Shall issue an order removing a person from office if
20 1 that person has engaged in a prior violation of this chapter
20 2 for which damages were assessed against the person during the
20 3 person's term. In making this determination, the court shall
20 4 recognize violations for which damages were assessed by the
20 5 Iowa public information board created in section 23.3.

20 6 Sec. 31. Section 22.10, subsection 5, Code 2007, is
20 7 amended by striking the subsection.

20 8 Sec. 32. Section 22.13, Code 2007, is amended to read as
20 9 follows:

20 10 22.13 SETTLEMENTS == ~~GOVERNMENTAL~~ GOVERNMENT BODIES.

20 11 1. A written summary of the terms of settlement, including
20 12 amounts of payments made to or through a claimant, or other
20 13 disposition of any claim for damages made against a
20 14 ~~governmental~~ government body or against an employee, officer,
20 15 or agent of a ~~governmental~~ government body, by an insurer
20 16 pursuant to a contract of liability insurance issued to the
20 17 ~~governmental~~ government body, shall be filed with the
20 18 ~~governmental~~ government body and shall be a public record.

20 19 2. A final binding settlement agreement between any
20 20 government body of this state or unit or official of such a
20 21 government body that resolves a legal dispute between such a
20 22 government body and another person or entity shall be filed
20 23 with the government body. For each such settlement agreement,
20 24 the government body shall prepare and file, together with the
20 25 settlement agreement, a brief summary indicating the identity
20 26 of the parties involved, the nature of the dispute, any
20 27 underlying relevant facts, and the terms of the settlement.
20 28 The settlement agreement and summary shall be available for
20 29 public inspection.

20 30 Sec. 33. Section 22.14, subsection 3, Code 2007, is
20 31 amended to read as follows:

20 32 3. If a fiduciary or other third party with custody of
20 33 public investment transactions records fails to produce public
20 34 records within a reasonable period of time as requested by the
20 35 public ~~public~~ government body, the public ~~public~~ government body shall make

21 1 no new investments with or through the fiduciary or other
21 2 third party and shall not renew existing investments upon
21 3 their maturity with or through the fiduciary or other third
21 4 party. The fiduciary or other third party shall be liable for
21 5 the penalties imposed under ~~section 22.6 statute, common law,~~
21 6 ~~or contract~~ due to the acts or omissions of the fiduciary or
21 7 other third party and any other remedies available under
21 8 ~~statute, common law, or contract.~~

21 9 Sec. 34. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.
21 10 This chapter does not apply to government records owned,
21 11 created, possessed, or under the control of the judicial
21 12 branch related to the performance by the courts of their
21 13 judicial functions. The supreme court shall prescribe rules
21 14 governing access to such records consistent with the purposes
21 15 of this chapter.

21 16 Sec. 35. NEW SECTION. 23.1 CITATION AND PURPOSE.
21 17 This chapter may be cited as the "Iowa Public Information
21 18 Board Act". The purpose of this chapter is to provide an
21 19 alternative means by which to secure compliance with and
21 20 enforcement of the requirements of chapters 21 and 22 through
21 21 the provision by the Iowa public information board to all
21 22 interested parties of an efficient, informal, and
21 23 cost-effective process for resolving disputes.

21 24 Sec. 36. NEW SECTION. 23.2 DEFINITIONS.

21 25 1. "Board" means the Iowa public information board created
21 26 in section 23.3.

21 27 2. "Complainant" means a person who files a complaint with
21 28 the board.

21 29 3. "Complaint" means a written and signed document filed
21 30 with the board alleging a violation of chapter 21 or 22.

21 31 4. "Custodian" means a government body, government
21 32 official, or government employee designated as the lawful
21 33 custodian of a government record pursuant to section 22.1.

21 34 5. "Government body" means the same as defined in section
21 35 22.1.

22 1 6. "Person" means an individual, partnership, association,
22 2 corporation, legal representative, trustee, receiver,
22 3 custodian, government body, or official, employee, agency, or
22 4 political subdivision of this state.

22 5 7. "Respondent" means any agency or other unit of state or
22 6 local government, custodian, government official, or
22 7 government employee who is the subject of a complaint.

22 8 Sec. 37. NEW SECTION. 23.3 BOARD APPOINTED.

22 9 1. An Iowa public information board is created consisting
22 10 of five members appointed by the governor, subject to
22 11 confirmation by the senate. Membership shall be balanced as
22 12 to political affiliation as provided in section 69.16 and
22 13 gender as provided in section 69.16A. Members appointed to
22 14 the board shall serve staggered, four-year terms, beginning
22 15 and ending as provided by section 69.19. A quorum shall
22 16 consist of three members.

22 17 2. A vacancy on the board shall be filled by the governor
22 18 by appointment for the unexpired part of the term. A board
22 19 member may be removed from office by the governor for good
22 20 cause. The board shall select one of its members to serve as
22 21 chair and shall employ a director who shall serve as the
22 22 executive officer of the board.

22 23 Sec. 38. NEW SECTION. 23.4 COMPENSATION AND EXPENSES.

22 24 Board members shall be paid a per diem as specified in
22 25 section 7E.6 and shall be reimbursed for actual and necessary
22 26 expenses incurred while on official board business. Per diem
22 27 and expenses shall be paid from funds appropriated to the
22 28 board.

22 29 Sec. 39. NEW SECTION. 23.5 ELECTION OF REMEDIES.

22 30 1. An aggrieved person, any taxpayer to or citizen of this
22 31 state, the attorney general, or any county attorney may seek
22 32 enforcement of the requirements of chapters 21 and 22 by
22 33 electing either to file an action pursuant to section 17A.19,
22 34 21.6, or 22.10, whichever is applicable, or in the
22 35 alternative, to file a timely complaint with the board.

23 1 2. If more than one person seeks enforcement of chapter 21
23 2 or 22 with respect to the same incident involving an alleged
23 3 violation, and one or more of such persons elects to do so by
23 4 filing an action under section 17A.19, 21.6, or 22.10 and one
23 5 or more of such persons elects to do so by filing a timely
23 6 complaint with the board, the court in which the action was
23 7 filed shall dismiss the action without prejudice, authorizing
23 8 the complainant to file a complaint with respect to the same
23 9 incident with the board without regard to the timeliness of
23 10 the filing of the complaint at the time the action in court is
23 11 dismissed.

23 12 3. If a person files an action pursuant to section 22.8
23 13 seeking to enjoin the inspection of a public record, the
23 14 respondent or person requesting access to the record which is
23 15 the subject of the request for injunction may remove the
23 16 proceeding to the board for its determination by filing,
23 17 within thirty days of the commencement of the judicial
23 18 proceeding, a complaint with the board alleging a violation of
23 19 chapter 22 in regard to the same matter.

23 20 Sec. 40. NEW SECTION. 23.6 BOARD POWERS AND DUTIES.

23 21 The board shall have all of the following powers and
23 22 duties:

23 23 1. Employ such employees as are necessary to execute its
23 24 authority, including administrative law judges, and attorneys
23 25 to prosecute respondents in proceedings before the board and
23 26 to represent the board in proceedings before a court.
23 27 Notwithstanding section 8A.412, all of the board's employees,
23 28 except for the executive director and attorneys, shall be
23 29 employed subject to the merit system provisions of chapter 8A,
23 30 subchapter IV.

23 31 2. Adopt rules with the force of law pursuant to chapter
23 32 17A calculated to implement, enforce, and interpret the
23 33 requirements of chapters 21 and 22 and to implement any
23 34 authority delegated to the board by this chapter.

23 35 3. Issue, consistent with the requirements of section
24 1 17A.9, declaratory orders with the force of law determining
24 2 the applicability of chapter 21 or 22 to specified fact
24 3 situations and issue informal advice to any person concerning
24 4 the applicability of chapters 21 and 22.

24 5 4. Receive complaints alleging violations of chapter 21 or
24 6 22, seek resolution of such complaints through informal
24 7 assistance or through mediation and settlement, formally
24 8 investigate such complaints, decide after such an
24 9 investigation whether there is probable cause to believe a
24 10 violation of chapter 21 or 22 has occurred, and if probable
24 11 cause has been found prosecute the respondent before the board
24 12 in a contested case proceeding conducted according to the
24 13 provisions of chapter 17A.

24 14 5. Request and receive from a government body assistance
24 15 and information as necessary in the performance of its duties.
24 16 The board may examine a record of a government body that is
24 17 the subject matter of a complaint, including any record that
24 18 is confidential by law. Confidential records provided to the
24 19 board by a governmental body shall continue to maintain their
24 20 confidential status. Any member or employee of the board is
24 21 subject to the same policies and penalties regarding the
24 22 confidentiality of the document as an employee of the
24 23 government body.

24 24 6. Issue subpoenas enforceable in court for the purpose of
24 25 investigating complaints and to facilitate the prosecution and
24 26 conduct of contested cases before the board.

24 27 7. After appropriate board proceedings, issue orders with
24 28 the force of law, determining whether there has been a
24 29 violation of chapter 21 or 22, requiring compliance with
24 30 specified provisions of those chapters, imposing civil
24 31 penalties equivalent to and to the same extent as those
24 32 provided for in section 21.6 or 22.10, as applicable, on a
24 33 respondent who has been found in violation of chapter 21 or
24 34 22, and imposing any other appropriate remedies calculated to
24 35 declare, terminate, or remediate any violation of those
25 1 chapters.

25 2 8. Represent itself in judicial proceedings to enforce or
25 3 defend its orders and rules through attorneys on its own
25 4 staff, through the office of the attorney general, or through
25 5 other attorneys retained by the board, at its option.

25 6 9. Make training opportunities available to lawful
25 7 custodians, government bodies, and other persons subject to
25 8 the requirements of chapters 21 and 22 and require, in its
25 9 discretion, appropriate persons who have responsibilities in
25 10 relation to chapters 21 and 22 to receive periodic training
25 11 approved by the board.

25 12 10. Disseminate information calculated to inform members
25 13 of the public about the public's right to access government
25 14 information in this state including procedures to facilitate
25 15 this access and including information relating to the
25 16 obligations of government bodies under chapter 21 and lawful
25 17 custodians under chapter 22 and other laws dealing with this
25 18 subject.

25 19 11. Prepare and transmit to the governor and to the
25 20 general assembly, at least annually, reports describing
25 21 complaints received, board proceedings, investigations,
25 22 hearings conducted, decisions rendered, and other work

25 23 performed by the board.
25 24 12. Make recommendations to the general assembly proposing
25 25 legislation relating to public access to government
25 26 information deemed desirable by the board in light of the
25 27 policy of this state to provide as much public access as
25 28 possible to government information as is consistent with the
25 29 public interest and the need to protect individuals against
25 30 undue invasions of personal privacy.

25 31 Sec. 41. NEW SECTION. 23.7 FILING OF COMPLAINTS WITH THE
25 32 BOARD.

25 33 1. The board shall adopt rules with the force of law and
25 34 pursuant to chapter 17A providing for the timing, form,
25 35 content, and means by which any aggrieved person, any taxpayer
26 1 to or citizen of this state, the attorney general, or any
26 2 county attorney may file a complaint with the board alleging a
26 3 violation of chapter 21 or 22. The complaint must be filed
26 4 within sixty days from the time the alleged violation occurred
26 5 or the complainant could have become aware of the violation
26 6 with reasonable diligence.

26 7 2. All board proceedings in response to the filing of a
26 8 complaint shall be conducted as expeditiously as possible.

26 9 3. The board shall not charge a complainant any fee in
26 10 relation to the filing of a complaint, the processing of a
26 11 complaint, or any board proceeding or judicial proceeding
26 12 resulting from the filing of a complaint.

26 13 Sec. 42. NEW SECTION. 23.8 INITIAL PROCESSING OF
26 14 COMPLAINT.

26 15 Upon receipt of a complaint alleging a violation of chapter
26 16 21 or 22, the board shall do either of the following:

26 17 1. Determine that, on its face, the complaint is within
26 18 the board's jurisdiction, appears legally sufficient, and
26 19 could have merit. In such a case the board shall accept the
26 20 complaint, and shall notify the parties of that fact in
26 21 writing.

26 22 2. Determine that, on its face, the complaint is outside
26 23 its jurisdiction, is legally insufficient, is frivolous, is
26 24 without merit, involves harmless error, or relates to a
26 25 specific incident that has previously been finally disposed of
26 26 on its merits by the board or a court. In such a case the
26 27 board shall decline to accept the complaint. If the board
26 28 refuses to accept a complaint, the board shall provide the
26 29 complainant with a written order explaining its reasons for
26 30 the action.

26 31 Sec. 43. NEW SECTION. 23.9 INFORMAL ASSISTANCE ==
26 32 MEDIATION AND SETTLEMENT.

26 33 1. After accepting a complaint, the board shall promptly
26 34 work with the parties through its employees to reach an
26 35 informal, expeditious resolution of the complaint. If an
27 1 informal resolution satisfactory to the parties cannot be
27 2 reached, the board or the board's designee shall offer the
27 3 parties an opportunity to resolve the dispute through
27 4 mediation and settlement.

27 5 2. The mediation and settlement process shall enable the
27 6 complainant to attempt to resolve the dispute with the aid of
27 7 a neutral mediator employed and selected by the board, in its
27 8 discretion, from either its own staff or an outside source.

27 9 3. Mediation shall be conducted as an informal,
27 10 nonadversarial process and in a manner calculated to help the
27 11 parties reach a mutually acceptable and voluntary settlement
27 12 agreement. The mediator shall assist the parties in
27 13 identifying issues and shall foster joint problem solving and
27 14 the exploration of settlement alternatives.

27 15 Sec. 44. NEW SECTION. 23.10 ENFORCEMENT.

27 16 1. If any party declines mediation or settlement or if
27 17 mediation or settlement fails to resolve the matter to the
27 18 satisfaction of all parties, the board shall initiate a formal
27 19 investigation concerning the facts and circumstances set forth
27 20 in the complaint. The board shall, after an appropriate
27 21 investigation, make a determination as to whether the
27 22 complaint is within the board's jurisdiction and whether there
27 23 is probable cause to believe that the facts and circumstances
27 24 alleged in the complaint constitute a violation of chapter 21
27 25 or 22.

27 26 2. If the board finds the complaint is outside the board's
27 27 jurisdiction or there is no probable cause to believe there
27 28 has been a violation of chapter 21 or 22, the board shall
27 29 issue a written order explaining the reasons for the board's
27 30 conclusions and dismissing the complaint, and shall transmit a
27 31 copy to the complainant and to the party against whom the
27 32 complaint was filed.

27 33 3. a. If the board finds the complaint is within the

27 34 board's jurisdiction and there is probable cause to believe
27 35 there has been a violation of chapter 21 or 22, the board
28 1 shall issue a written order to that effect and shall commence
28 2 a contested case proceeding under chapter 17A against the
28 3 respondent. An attorney selected by the director of the board
28 4 shall prosecute the respondent in the contested case
28 5 proceeding. At the termination of the contested case
28 6 proceeding the board shall, by a majority vote of its members,
28 7 render a final decision as to the merits of the complaint. If
28 8 the board finds that the complaint has merit, the board may
28 9 issue any appropriate order to ensure enforcement of chapter
28 10 21 or 22 including but not limited to an order requiring
28 11 specified action or prohibiting specified action and any
28 12 appropriate order to remedy any failure of the respondent to
28 13 observe any provision of those chapters.

28 14 b. If the board determines, by a majority vote of its
28 15 members, that the respondent has violated chapter 21 or 22,
28 16 the board may also do any or all of the following:

28 17 (1) Require the respondent to pay damages as provided for
28 18 in section 21.6 or 22.10, whichever is applicable, to the
28 19 extent that provision would make such damages payable if the
28 20 complainant had sought to enforce a violation in court instead
28 21 of through the board.

28 22 (2) Void any action taken in violation of chapter 21 if a
28 23 court would be authorized to do so in similar circumstances
28 24 pursuant to section 21.6.

28 25 c. The board shall not have the authority to remove a
28 26 person from public office for a violation of chapter 21 or 22.
28 27 The board may file an action under chapter 21 or 22 to remove
28 28 a person from office for violations that would subject a
28 29 person to removal under those chapters.

28 30 d. A final board order resulting from such proceedings may
28 31 be enforced by the board in court and is subject to judicial
28 32 review pursuant to section 17A.19.

28 33 Sec. 45. NEW SECTION. 23.11 DEFENSES IN A CONTESTED CASE
28 34 PROCEEDING.

28 35 A respondent may defend against a proceeding before the
29 1 board charging a violation of chapter 21 or 22 on the ground
29 2 that if such a violation occurred it was only harmless error
29 3 or that clear and convincing evidence demonstrated that
29 4 grounds existed to justify a court to issue an injunction
29 5 against disclosure pursuant to section 22.8.

29 6 Sec. 46. NEW SECTION. 23.12 JURISDICTION.

29 7 The board shall not have jurisdiction over the judicial or
29 8 legislative branches of state government or any entity,
29 9 officer, or employee of those branches, or over the governor
29 10 or the office of the governor.

29 11 Sec. 47. Section 34A.7A, subsection 4, Code Supplement
29 12 2007, is amended to read as follows:

29 13 4. The amount collected from a wireless service provider
29 14 and deposited in the fund, pursuant to section 22.7,
29 15 subsection 6, information provided by a wireless service
29 16 provider to the program manager consisting of trade secrets,
29 17 pursuant to section 22.7, subsection 3, and other financial or
29 18 commercial operations information provided by a wireless
29 19 service provider to the program manager, shall be ~~kept~~
~~29 20 confidential~~ an optional public record as provided under
29 21 section 22.7. This subsection does not prohibit the inclusion
29 22 of information in any report providing aggregate amounts and
29 23 information which does not identify numbers of accounts or
29 24 customers, revenues, or expenses attributable to an individual
29 25 wireless communications service provider.

29 26 Sec. 48. Section 68B.32B, subsection 11, Code Supplement
29 27 2007, is amended to read as follows:

29 28 11. A complaint shall be a public record, but some or all
29 29 of the contents may be treated as ~~confidential~~ an optional
~~29 30 public record~~ public record under section 22.7, subsection 18, to the extent
29 31 necessary under subsection 3 of this section. Information
29 32 informally reported to the board and board staff which results
29 33 in a board-initiated investigation shall be a public record
29 34 but may be treated as ~~confidential information~~ an optional
~~29 35 public record~~ public record consistent with the provisions of section 22.7,

30 1 subsection 18. If the complainant, the person who provides
30 2 information to the board, or the person who is the subject of
30 3 an investigation publicly discloses the existence of an
30 4 investigation, the board may publicly confirm the existence of
30 5 the disclosed formal complaint or investigation and, in the
30 6 board's discretion, make the complaint or the informal
30 7 referral public, as well as any other documents that were
30 8 issued by the board to any party to the investigation.
30 9 However, investigative materials may be furnished to the

30 10 appropriate law enforcement authorities by the board at any
30 11 time. Upon the commencement of a contested case proceeding by
30 12 the board, all investigative material relating to that
30 13 proceeding shall be made available to the subject of the
30 14 proceeding. The entire record of any contested case
30 15 proceeding initiated under this section shall be a public
30 16 record.

30 17 Sec. 49. Section 76.11, Code 2007, is amended to read as
30 18 follows:

30 19 76.11 CONFIDENTIALITY OF BOND HOLDERS == EXCEPTIONS.

30 20 Records of identity of owners of public bonds or
30 21 obligations maintained as provided in section 76.10 or by the
30 22 issuer of the bonds are ~~confidential~~ optional public records
30 23 ~~entitled to protection~~ under section 22.7, subsection 17-
30 24 ~~However, and~~ the issuer of the bonds or a state or federal
30 25 agency may obtain information as necessary.

30 26 Sec. 50. Section 124.553, subsection 3, Code Supplement
30 27 2007, is amended to read as follows:

30 28 3. Information contained in the program and any
30 29 information obtained from it, and information contained in the
30 30 records of requests for information from the program, is
30 31 privileged and strictly confidential information. Such
30 32 information is ~~a confidential~~ an optional public record
30 33 pursuant to section 22.7, and is not subject to discovery,
30 34 subpoena, or other means of legal compulsion for release
30 35 except as provided in this division. Information from the
31 1 program shall not be released, shared with an agency or
31 2 institution, or made public except as provided in this
31 3 division.

31 4 Sec. 51. Section 135.43, subsection 7, paragraphs a and b,
31 5 Code Supplement 2007, are amended to read as follows:

31 6 a. The Iowa department of public health and the department
31 7 of human services shall adopt rules providing for disclosure
31 8 of optional public record information ~~which is confidential~~
31 9 under chapter 22 or any confidential record information under
31 10 any other provision of state law, to the review team for
31 11 purposes of performing its child death and child abuse review
31 12 responsibilities.

31 13 b. A person in possession or control of medical,
31 14 investigative, assessment, or other information pertaining to
31 15 a child death and child abuse review shall allow the
31 16 inspection and reproduction of the information by the
31 17 department upon the request of the department, to be used only
31 18 in the administration and for the duties of the Iowa child
31 19 death review team. Except as provided for a report on a child
31 20 fatality by an ad hoc child fatality review committee under
31 21 subsection 4, information and records produced under this
31 22 section which are ~~confidential~~ optional public records under
31 23 section 22.7 and confidential records under chapter 235A, and
31 24 information or records received from the confidential records,
31 25 remain confidential under this section. A person does not
31 26 incur legal liability by reason of releasing information to
31 27 the department as required under and in compliance with this
31 28 section.

31 29 Sec. 52. Section 147A.26, subsection 2, Code 2007, is
31 30 amended to read as follows:

31 31 2. The data collected by and furnished to the department
31 32 pursuant to this section are ~~confidential~~ optional public
31 33 records of the condition, diagnosis, care, or treatment of
31 34 patients or former patients, including outpatients, pursuant
31 35 to section 22.7. The compilations prepared for release or
32 1 dissemination from the data collected are not confidential
32 2 under section 22.7, subsection 2. However, information which
32 3 individually identifies patients shall not be disclosed and
32 4 state and federal law regarding patient confidentiality shall
32 5 apply.

32 6 Sec. 53. Section 202A.2, subsection 3, paragraph b, Code
32 7 2007, is amended to read as follows:

32 8 b. The department, in consultation with the office of
32 9 attorney general, shall designate information in purchase
32 10 reports that reveals the identity of a packer or livestock
32 11 seller as ~~confidential~~ optional public records pursuant to
32 12 section 22.7.

32 13 Sec. 54. Section 232.149, subsection 2, Code 2007, is
32 14 amended to read as follows:

32 15 2. Records and files of a criminal or juvenile justice
32 16 agency concerning a child involved in a delinquent act are
32 17 public records, except that release of criminal history data,
32 18 intelligence data, and law enforcement investigatory files is
32 19 subject to the provisions of section 22.7 and chapter 692, and
32 20 juvenile court social records, as defined in section 232.2,

32 21 subsection 31, shall be deemed ~~confidential~~ optional public
32 22 record criminal identification files under section 22.7,

32 23 subsection 9. The records are subject to sealing under
32 24 section 232.150 unless the juvenile court waives its
32 25 jurisdiction over the child so that the child may be
32 26 prosecuted as an adult for a public offense.

32 27 Sec. 55. Section 252B.24, subsection 3, Code 2007, is
32 28 amended to read as follows:

32 29 3. The records of the state case registry are ~~confidential~~
32 30 optional public records pursuant to chapter 22 and may only be
32 31 disclosed or used as provided in section 252B.9.

32 32 Sec. 56. Section 252G.5, unnumbered paragraph 1, Code
32 33 2007, is amended to read as follows:

32 34 The records of the centralized employee registry are
32 35 confidential records pursuant to ~~sections 22.7 and section~~
33 1 252B.9, and may be accessed only by state agencies as provided
33 2 in this section and section 252B.9. When a state agency
33 3 accesses information in the registry, the agency may use the
33 4 information to update the agency's own records. Access to and
33 5 use of the information contained in the registry shall be
33 6 limited to the following:

33 7 Sec. 57. Section 321.189A, subsection 6, Code 2007, is
33 8 amended to read as follows:

33 9 6. The department shall keep ~~as confidential public~~
33 10 ~~records under section 22.7~~, all records regarding licenses
33 11 issued under this section as optional public records under
33 12 section 22.7.

33 13 Sec. 58. Section 452A.33, subsection 1, paragraph d, Code
33 14 2007, is amended to read as follows:

33 15 d. The information included in a report submitted by a
33 16 retail dealer is deemed to be a trade secret, ~~protected as a~~
33 17 ~~confidential record and is an optional public record~~ pursuant
33 18 to section 22.7.

33 19 Sec. 59. Section 452A.33, subsection 2, paragraph c, Code
33 20 2007, is amended to read as follows:

33 21 c. The report shall not provide information regarding
33 22 motor fuel or biofuel which is sold and dispensed by an
33 23 individual retail dealer or at a particular retail motor fuel
33 24 site. The report shall not include a trade secret ~~protected~~
33 25 ~~as a confidential record pursuant as referred to in~~ section
33 26 22.7.

33 27 Sec. 60. Section 455K.4, subsection 4, Code 2007, is
33 28 amended to read as follows:

33 29 4. Information that is disclosed under subsection 2,
33 30 paragraph "b", is confidential and is not subject to
33 31 disclosure under chapter 22. ~~A governmental entity,~~
33 32 ~~governmental employee, or governmental official who discloses~~
33 33 ~~information in violation of this subsection is subject to the~~
33 34 ~~penalty provided in section 22.6.~~

33 35 Sec. 61. Section 476.74, subsection 4, Code 2007, is
34 1 amended to read as follows:

34 2 4. VERIFIED COPIES REQUIRED. Every public utility shall
34 3 file with the board a verified copy of the contract or
34 4 arrangement referred to in this section, or a verified summary
34 5 of the unwritten contract or arrangement, and also of all the
34 6 contracts and arrangements or a verified summary of the
34 7 unwritten contracts or arrangements, whether written or
34 8 unwritten, entered into prior to July 1, 1989, and in force
34 9 and effect at that time. Any contract or agreement determined
34 10 by the board to be ~~a confidential~~ an optional public record
34 11 pursuant to section 22.7 shall be returned to the public
34 12 utility filing the ~~confidential~~ record within sixty days after
34 13 the contract or agreement is filed.

34 14 Sec. 62. Section 477A.7, subsection 3, paragraph b, Code
34 15 Supplement 2007, is amended to read as follows:

34 16 b. For purposes of this subsection, the number of
34 17 customers of a cable service provider or video service
34 18 provider shall be determined based on the relative number of
34 19 subscribers in that municipality at the end of the prior
34 20 calendar year as reported to the municipality by all incumbent
34 21 cable providers and holders of a certificate of franchise
34 22 authority. Any records showing the number of subscribers
34 23 shall be considered ~~confidential~~ optional public records
34 24 pursuant to section 22.7. The incumbent cable provider shall
34 25 provide to the municipality, on an annual basis, the
34 26 maintenance and support costs of the institutional network,
34 27 subject to an independent audit. A municipality acting under
34 28 this subsection shall notify and present a bill to competitive
34 29 cable service providers or competitive video service providers
34 30 for the amount of such support on an annual basis, beginning
34 31 one year after issuance of the certificate of franchise

34 32 authority. The annual institutional network support shall be
34 33 due and paid by the providers to the municipality in four
34 34 quarterly payments, not later than forty-five days after the
34 35 close of each quarter. The municipality shall reimburse the
35 1 incumbent cable provider for the amounts received from
35 2 competitive cable service providers or competitive video
35 3 service providers.

35 4 Sec. 63. Section 502.607, subsection 2, Code 2007, is
35 5 amended to read as follows:

35 6 2. ~~NONPUBLIC RECORDS~~ OPTIONAL PUBLIC RECORDS.

35 7 Notwithstanding chapter 22, the following records are ~~not~~
35 8 optional public records and are not available for public
35 9 examination under subsection 1:

35 10 a. A record obtained by the administrator in connection
35 11 with an audit or inspection under section 502.411, subsection
35 12 4, or an investigation under section 502.602.

35 13 b. A part of a record filed in connection with a
35 14 registration statement under sections 502.301 and 502.303
35 15 through 502.305 or a record under section 502.411, subsection
35 16 4, that contains trade secrets or confidential information if
35 17 the person filing the registration statement or report has
35 18 asserted a claim of confidentiality or privilege that is
35 19 authorized by law.

35 20 c. A record that is not required to be provided to the
35 21 administrator or filed under this chapter and is provided to
35 22 the administrator only on the condition that the record will
35 23 not be subject to public examination or disclosure.

35 24 d. A nonpublic record received from a person specified in
35 25 section 502.608, subsection 1.

35 26 e. Any social security number, residential address unless
35 27 used as a business address, and residential telephone number
35 28 unless used as a business telephone number, contained in a
35 29 record that is filed.

35 30 f. A record obtained by the administrator through a
35 31 designee that the administrator determines by rule or order
35 32 has been appropriately expunged from its own records by that
35 33 designee, if the administrator finds that such expungement is
35 34 in the public interest and does not impair investor
35 35 protection.

36 1 Sec. 64. Section 507.14, subsections 1 through 3, 5, and
36 2 6, Code Supplement 2007, are amended to read as follows:

36 3 1. A preliminary report of an examination of a domestic or
36 4 foreign insurer, and all notes, work papers, or other
36 5 documents related to an examination of an insurer are
36 6 ~~confidential~~ optional public records under chapter 22 except
36 7 when sought by the insurer to whom they relate, an insurance
36 8 regulator of another state, or the national association of
36 9 insurance commissioners, and shall be privileged and
36 10 confidential in any judicial or administrative proceeding
36 11 except any of the following:

36 12 a. An action commenced by the commissioner under chapter
36 13 507C.

36 14 b. An administrative proceeding brought by the insurance
36 15 division under chapter 17A.

36 16 c. A judicial review proceeding under chapter 17A brought
36 17 by an insurer to whom the records relate.

36 18 d. An action or proceeding which arises out of the
36 19 criminal provisions of the laws of this state or the United
36 20 States.

36 21 e. An action brought in a shareholders' derivative suit
36 22 against an insurer.

36 23 f. An action brought to recover moneys or to recover upon
36 24 an indemnity bond for embezzlement, misappropriation, or
36 25 misuse of insurer funds.

36 26 2. A report of an examination of a domestic or foreign
36 27 insurer which is preliminary under the rules of the division
36 28 is ~~a confidential~~ an optional public record under chapter 22
36 29 except when sought by the insurer to which the report relates
36 30 or an insurance regulator of another state, and is privileged
36 31 and confidential in any judicial or administrative proceeding.

36 32 3. All work papers, notes, recorded information,
36 33 documents, market conduct annual statements, and copies
36 34 thereof that are produced or obtained by or disclosed to the
36 35 commissioner or any other person in the course of analysis by
37 1 the commissioner of the financial condition or market conduct
37 2 of an insurer are ~~confidential~~ optional public records under
37 3 chapter 22 and shall be privileged and confidential in any
37 4 judicial or administrative proceeding except any of the
37 5 following:

37 6 a. An action commenced by the commissioner under chapter
37 7 507C.

37 8 b. An administrative proceeding brought by the insurance
37 9 division under chapter 17A.

37 10 c. A judicial review proceeding under chapter 17A brought
37 11 by an insurer to whom the records relate.

37 12 d. An action or proceeding which arises out of the
37 13 criminal provisions of the laws of this state or the United
37 14 States.

37 15 5. A financial statement filed by an employer
37 16 self-insuring workers' compensation liability pursuant to
37 17 section 87.11, or the working papers of an examiner or the
37 18 division in connection with calculating appropriate security
37 19 and reserves for the self-insured employer are ~~confidential~~
37 20 optional public records under chapter 22 except when sought by
37 21 the employer to which the financial statement or working
37 22 papers relate or an insurance or workers' compensation
37 23 self-insurance regulator of another state, and are privileged
37 24 and confidential in any judicial or administrative proceeding.
37 25 The financial information of a nonpublicly traded employer
37 26 which self-insures for workers' compensation liability
37 27 pursuant to section 87.11 is protected as proprietary trade
37 28 secrets to the extent consistent with the commissioner's
37 29 duties to oversee the security of self-insured workers'
37 30 compensation liability.

37 31 6. Analysis notes, work papers, or other documents related
37 32 to the analysis of an insurer are ~~confidential~~ optional public
37 33 records under chapter 22.

37 34 Sec. 65. Section 507A.4, subsection 10, paragraph b, Code
37 35 Supplement 2007, is amended to read as follows:

38 1 b. The sponsor of the health benefit plan shall file an
38 2 application for waiver from the provisions of this chapter
38 3 with the commissioner as prescribed by the commissioner and
38 4 shall file periodic statements and information as required by
38 5 the commissioner. The commissioner shall adopt rules pursuant
38 6 to chapter 17A implementing this subsection. All statements
38 7 and information filed with or disclosed to the commissioner
38 8 pursuant to this subsection are ~~confidential~~ optional public
38 9 records pursuant to chapter 22.

38 10 Sec. 66. Section 507E.5, subsection 1, Code 2007, is
38 11 amended to read as follows:

38 12 1. All investigation files, investigation reports, and all
38 13 other investigative information in the possession of the
38 14 bureau are confidential records ~~under chapter 22~~ except as
38 15 specifically provided in this section and are not subject to
38 16 discovery, subpoena, or other means of legal compulsion for
38 17 their release until opened for public inspection by the
38 18 bureau, or upon the consent of the bureau, or until a court of
38 19 competent jurisdiction determines, after notice to the bureau
38 20 and hearing, that the bureau will not be unnecessarily
38 21 hindered in accomplishing the purposes of this chapter by
38 22 their opening for public inspection. However, investigative
38 23 information in the possession of the bureau may be disclosed,
38 24 in the commissioner's discretion, to appropriate licensing
38 25 authorities within this state, another state or the District
38 26 of Columbia, or a territory or country in which a licensee is
38 27 licensed or has applied for a license.

38 28 Sec. 67. Section 515.103, subsection 6, paragraph b, Code
38 29 Supplement 2007, is amended to read as follows:

38 30 b. Information filed with the commissioner of insurance
38 31 pursuant to this subsection shall be considered a confidential
38 32 record and be recognized ~~and protected~~ as a trade secret
38 33 pursuant to section 22.7, subsection 3.

38 34 Sec. 68. Section 523A.204, subsection 3, Code Supplement
38 35 2007, is amended to read as follows:

39 1 3. All records maintained by the commissioner under this
39 2 section shall be ~~confidential~~ optional public records pursuant
39 3 to section 22.7, subsection 58, and shall not be made
39 4 available for inspection or copying except upon the approval
39 5 of the commissioner or the attorney general.

39 6 Sec. 69. Section 523A.502A, subsection 2, Code Supplement
39 7 2007, is amended to read as follows:

39 8 2. All records maintained by the commissioner under this
39 9 section shall be ~~confidential~~ optional public records pursuant
39 10 to section 22.7, subsection 58, and shall not be made
39 11 available for inspection or copying except upon the approval
39 12 of the commissioner or the attorney general.

39 13 Sec. 70. Section 523C.23, subsection 1, paragraph c,
39 14 unnumbered paragraph 1, Code 2007, is amended to read as
39 15 follows:

39 16 Information obtained in the course of an investigation ~~is~~
39 17 ~~confidential~~ shall be treated as an optional public record as
39 18 provided in section 22.7. However, upon a determination that

39 19 disclosure of the information is necessary or appropriate in
39 20 the public interest or for the protection of consumers, the
39 21 commissioner may do any of the following:

39 22 Sec. 71. Section 556.24A, subsection 2, Code Supplement
39 23 2007, is amended to read as follows:

39 24 2. Notwithstanding any other provision of law, any other
39 25 identifying information set forth in any report, record,
39 26 claim, or other document submitted to the treasurer of state
39 27 pursuant to this chapter concerning unclaimed or abandoned
39 28 property ~~is a confidential~~ shall be treated as an optional
39 29 public record as provided in section 22.7 and shall be made
39 30 available for public examination or copying only in the
39 31 discretion of the treasurer.

39 32 Sec. 72. Section 692.8A, subsection 4, Code Supplement
39 33 2007, is amended to read as follows:

39 34 4. An intelligence assessment and intelligence data shall
39 35 be deemed a confidential record of the department ~~under~~
40 1 ~~section 22.7, subsection 55,~~ except as otherwise provided in
40 2 this subsection. This section shall not be construed to
40 3 prohibit the dissemination of an intelligence assessment to
40 4 any agency or organization if necessary for carrying out the
40 5 official duties of the agency or organization, or to a person
40 6 if disseminated for an official purpose, and to a person if
40 7 necessary to protect a person or property from a threat of
40 8 imminent serious harm. This section shall also not be
40 9 construed to prohibit the department from disseminating a
40 10 public health and safety threat advisory or alert by press
40 11 release or other method of public communication.

40 12 Sec. 73. Section 692A.13, subsection 8, Code 2007, is
40 13 amended to read as follows:

40 14 8. Sex offender registry records are confidential records
40 15 ~~pursuant to section 22.7~~ and shall only be released as
40 16 provided in this section.

40 17 Sec. 74. Section 708.2B, unnumbered paragraph 2, Code
40 18 2007, is amended to read as follows:

40 19 District departments or contract service providers shall
40 20 receive upon request peace officers' investigative reports
40 21 regarding persons participating in programs under this
40 22 section. The receipt of reports under this section shall not
40 23 waive the confidentiality of the reports ~~under section 22.7.~~

40 24 Sec. 75. Section 716.6B, subsection 1, paragraph a, Code
40 25 2007, is amended to read as follows:

40 26 a. An aggravated misdemeanor if computer data is accessed
40 27 that contains ~~a confidential~~ an optional public record, as
40 28 defined in section 22.7, operational or support data of a
40 29 public utility, as defined in section 476.1, operational or
40 30 support data of a rural water district incorporated pursuant
40 31 to chapter 357A or 504, operational or support data of a
40 32 municipal utility organized pursuant to chapter 388 or 389,
40 33 operational or support data of a public airport, or a trade
40 34 secret, as defined in section 550.2.

40 35 Sec. 76. Section 907.4, Code 2007, is amended to read as
41 1 follows:

41 2 907.4 DEFERRED JUDGMENT DOCKET.

41 3 A deferment of judgment under section 907.3 shall be
41 4 entered promptly by the clerk of the district court, or the
41 5 clerk's designee, into the deferred judgment database of the
41 6 state, which shall serve as the deferred judgment docket. The
41 7 docket shall contain a permanent record of the deferred
41 8 judgment including the name and date of birth of the
41 9 defendant, the district court docket number, the nature of the
41 10 offense, and the date of the deferred judgment. Before
41 11 granting deferred judgment in any case, the court shall search
41 12 the deferred judgment docket and shall consider any prior
41 13 record of a deferred judgment against the defendant. The
41 14 permanent record provided for in this section is ~~a~~

41 15 ~~confidential~~ an optional public record exempted from public
41 16 access under section 22.7 and shall be available only to
41 17 justices of the supreme court, judges of the court of appeals,
41 18 district judges, district associate judges, judicial
41 19 magistrates, clerks of the district court, judicial district
41 20 departments of correctional services, county attorneys, and
41 21 the department of corrections requesting information pursuant
41 22 to this section, or the designee of a justice, judge,
41 23 magistrate, clerk, judicial district department of
41 24 correctional services, or county attorney, or department.

41 25 Sec. 77. Section 915.90, unnumbered paragraph 1, Code
41 26 2007, is amended to read as follows:

41 27 A person in possession or control of investigative or other
41 28 information pertaining to an alleged crime or a victim filing
41 29 for compensation shall allow the inspection and reproduction

41 30 of the information by the department upon the request of the
41 31 department, to be used only in the administration and
41 32 enforcement of the crime victim compensation program.
41 33 Information and records which are ~~confidential~~ optional public
41 34 records under section 22.7 and information or records received
41 35 from ~~the confidential~~ such information or records remain
42 1 confidential under this section.

42 2 Sec. 78. Section 22.6, Code 2007, is repealed.
42 3 Sec. 79. EFFECTIVE DATE. Except for the section of this
42 4 Act establishing transition provisions for the Iowa public
42 5 information board, this Act takes effect July 1, 2009.

42 6 Sec. 80. IOWA PUBLIC INFORMATION BOARD == TRANSITION
42 7 PROVISIONS.

42 8 1. The initial members of the Iowa public information
42 9 board established pursuant to this Act shall be appointed by
42 10 September 1, 2008.

42 11 2. Notwithstanding any provision of this Act to the
42 12 contrary, the director of the board and employees of the board
42 13 shall not be hired prior to July 1, 2009.

42 14 3. Prior to July 1, 2009, the board shall submit a report
42 15 to the governor and the general assembly. The report shall
42 16 include a job description for the executive director of the
42 17 board, goals for board operations, and performance measures to
42 18 measure achievement of the board's goals.

42 19 Sec. 81. APPROPRIATION == IOWA PUBLIC INFORMATION BOARD.
42 20 There is appropriated from the general fund of the state to
42 21 the department of management for the fiscal year beginning
42 22 July 1, 2008, and ending June 30, 2009, the following amount,
42 23 or so much thereof as is necessary, to be used for the
42 24 following purpose:

42 25 For the initial expenses of the Iowa public information
42 26 board as established in this Act:

42 27 \$ 6,000

42 28 EXPLANATION

42 29 This bill relates to Iowa's Open Meetings Law (Code chapter
42 30 21) and Iowa's Open Records Law (Code chapter 22).

42 31 DEFINITION OF MEETING. The bill expands the definition of
42 32 "meeting" to include the calculated use of a series of
42 33 communications, each between less than a majority of the
42 34 members of a governmental body or their personal
42 35 intermediaries that is intended to reach and does in fact
43 1 reach a majority of the members and that is intended to
43 2 discuss and develop a collective final decision of a majority
43 3 outside of a meeting with respect to specific action to be
43 4 taken by the majority at a meeting. The bill specifies that a
43 5 "meeting" does not include written electronic communications
43 6 by one or more members of a governmental body or by its chief
43 7 executive officer that are ordinarily preserved and are
43 8 accessible and that are sent to a majority of the members of
43 9 the governmental body, or a series of such written electronic
43 10 communications each sent only to a minority of the members of
43 11 the governmental body but that in the aggregate are sent to a
43 12 majority of the members, that both concern a particular matter
43 13 within the scope of the governmental body's policymaking
43 14 duties and would otherwise constitute a meeting, if the
43 15 written electronic communications, to the extent such
43 16 communications are not exempt from disclosure, are either
43 17 posted on the governmental body's internet site or public
43 18 bulletin board at least 24 hours prior to the next regular
43 19 meeting or copies are made available for public inspection at
43 20 least 24 hours prior to the governmental body's next meeting.
43 21 If a special meeting is held on the subject matter of the
43 22 communications before the next regular meeting, the
43 23 communications shall be posted at least 24 hours prior to the
43 24 special meeting or made available for public inspection at
43 25 least 24 hours prior to that meeting.

43 26 RECONVENED MEETINGS. The bill provides that except as
43 27 otherwise provided, a reconvened meeting of a governmental
43 28 body is also subject to the meeting notice requirements
43 29 pursuant to Code section 21.4. This requirement does not
43 30 apply to a meeting of a governmental body that is reconvened
43 31 within four hours of the start of its recess, where an
43 32 announcement of the time, date, and place of the reconvened
43 33 meeting is made at the original meeting in open session and
43 34 recorded in the minutes of the meeting and there is no change
43 35 in the agenda. The notice requirement also does not apply to
44 1 a meeting held by a formally constituted subunit of a parent
44 2 governmental body during a lawful meeting of the parent
44 3 governmental body or during a recess in that meeting of up to
44 4 four hours, or a meeting of that subunit immediately following
44 5 the meeting of the parent governmental body, if the meeting of

44 6 the subunit is publicly announced in open session at the
44 7 parent meeting and the subject of the meeting reasonably
44 8 coincides with the subjects discussed or acted upon by the
44 9 parent governmental body.

44 10 MEETINGS OF PUBLIC HOSPITALS. The bill provides a new
44 11 exemption from the open meetings law relating to meetings of
44 12 public hospitals, as defined in Code section 249J.3. The bill
44 13 provides that a meeting of such a public hospital may be
44 14 closed to discuss patient care quality and process improvement
44 15 initiatives or to discuss marketing and pricing strategies or
44 16 similar proprietary information where public disclosure of
44 17 such information would harm such a hospital's competitive
44 18 position. The minutes and the audio recording of such a
44 19 closed session shall be available for public inspection when
44 20 the public disclosure would no longer harm the hospital's
44 21 competitive position.

44 22 CIVIL AND CRIMINAL PENALTY PROVISIONS. The bill increases
44 23 the civil penalty damage amounts for violations of the open
44 24 meetings and public records laws for each member of the
44 25 governmental body or each person who knowingly participated in
44 26 the violation from not less than \$100 and not more than \$500
44 27 to not less than \$1,000 and not more than \$2,500 subject to
44 28 the existing defenses contained in Code sections 21.6 and
44 29 22.10.

44 30 The bill repeals the criminal penalty provision for knowing
44 31 violations or attempts to violate any provisions of the public
44 32 records law.

44 33 RECORDS == DEFINITIONS. The bill provides a purpose
44 34 provision in the public records law and amends the terms used
44 35 to identify records and different classes of records under the
45 1 public records law.

45 2 The bill defines a "record" under Code chapter 22 to mean
45 3 information of every kind, nature, and form preserved or
45 4 stored in any medium including but not limited to paper,
45 5 electronic media, or film media. The bill also designates the
45 6 following categories of records in Code chapter 22:

45 7 1. "Government record" means a record owned by, created
45 8 by, in the possession of, or under the control of, any unit,
45 9 division, or part of state or local government or the
45 10 officials or employees of such bodies in the course of the
45 11 performance of their respective duties.

45 12 2. "Public record" means a government record which a
45 13 member of the public has an unqualified right to examine and
45 14 copy and includes a government record not designated by
45 15 statute as either a confidential record or an optional public
45 16 record.

45 17 3. "Confidential record" means a government record
45 18 designated by statute as unavailable for examination and
45 19 copying by a member of the public.

45 20 4. "Optional public record" means a government record
45 21 designated by statute as unavailable for examination and
45 22 copying by a member of the public unless otherwise ordered by
45 23 a court, by the lawful custodian of the records, or by another
45 24 person duly authorized to release such information.

45 25 The bill makes conforming changes throughout the Code based
45 26 upon the new identification terms for various classes of
45 27 records established in the bill for Code chapter 22. The
45 28 conforming terminology changes provide for a continuation of
45 29 the current public disclosure status of records. Additional
45 30 conforming changes to these and other Code provisions may be
45 31 necessary to fully implement the new identification terms for
45 32 various classes of records established by the bill.

45 33 RECORDS ACCESS == GOVERNMENT BODY CONTRACTS WITH
45 34 NONGOVERNMENT BODY. Current law provides that a government
45 35 body may not avoid application of the public records law by
46 1 contracting out any of its functions to a nongovernment person
46 2 or entity. The bill provides that a record created by, in the
46 3 possession of, or under the control of, any nongovernment body
46 4 or person which is a direct part of the execution or
46 5 performance of duties imposed upon the nongovernment body or
46 6 person by contract with a government body under which the
46 7 nongovernment body or person performs a function of the
46 8 government body is a government record. The lawful custodian
46 9 of such a government record is the government body with whom
46 10 the nongovernment body or person has executed the contract.
46 11 Consistent with this change, the bill makes a conforming
46 12 amendment relating to records involving charitable donations
46 13 and specifies that, unless otherwise provided, the lawful
46 14 custodian of all records relating to the receipt, holding, and
46 15 disbursement of gifts made for the benefit of regents
46 16 institutions and made through foundations established for the

46 17 support of regents institutions is the regents institution to
46 18 be benefited by such gifts.

46 19 RECORDS REQUESTS == TIME LIMITS. The bill provides that
46 20 upon receipt of an oral or written request to examine or copy
46 21 a public record, the lawful custodian shall, if the lawful
46 22 custodian knows the record requested is a public record and if
46 23 feasible in the ordinary course of business, permit such
46 24 examination or copying at the time of the request. If it is
46 25 not feasible in the ordinary course of business to permit
46 26 examination or copying of the public record at the time of the
46 27 request, the lawful custodian shall immediately notify the
46 28 requester, orally or in writing, when such examination or
46 29 copying may take place which shall be no later than five
46 30 business days from the time of the request unless there is
46 31 good cause for further delay. If further delay is necessary
46 32 because of good cause, the lawful custodian shall provide the
46 33 requester with a written statement detailing the reason or
46 34 reasons for the delay and the date by which the request will
46 35 be satisfied. If the lawful custodian is in doubt as to
47 1 whether the record requested is a public record or whether the
47 2 requester should be permitted to examine or copy a record
47 3 specified in Code section 22.7, the lawful custodian shall
47 4 make that determination within 10 business days from the date
47 5 of the request unless further delay is necessary because of a
47 6 pending request by the lawful custodian to the Iowa public
47 7 information board, or other good cause. Examination or
47 8 copying of the record shall be allowed within five business
47 9 days from the date the lawful custodian makes the decision to
47 10 permit examination or copying of the record unless there is
47 11 good cause for further delay in fulfilling the request. If
47 12 the lawful custodian denies a request to examine or copy a
47 13 record, the custodian must provide the requester at the time
47 14 of the denial a written statement denying the request and
47 15 detailing the specific reason or reasons for the denial. If
47 16 the lawful custodian does not fulfill a request to examine or
47 17 copy a public record within the time frames prescribed, the
47 18 request shall be deemed denied and the requester shall be
47 19 entitled to file a complaint with the Iowa public information
47 20 board created in Code section 23.7 or may file a lawsuit
47 21 against the lawful custodian pursuant to Code section 22.10.

47 22 RECORDS REQUESTS == FEES. The bill provides that if a
47 23 lawful custodian is a state executive branch agency, the
47 24 lawful custodian shall provide services in supervising the
47 25 review, examination, and copying of records at no charge for
47 26 up to three hours per month.

47 27 The bill amends a confidentiality provision of the public
47 28 records law relating to appraisal concerning the purchase of
47 29 real or personal property for a public purpose for consistency
47 30 with changes made to the eminent domain law.

47 31 PERSONAL INFORMATION IN CONFIDENTIAL PERSONNEL RECORDS.
47 32 Current law provides that personal information in confidential
47 33 personnel records of government bodies shall be confidential,
47 34 unless otherwise ordered by a court, by the lawful custodian,
47 35 or by another duly authorized person to release such
48 1 information. The bill specifies that the following shall be
48 2 public records: the name and compensation of the individual
48 3 including any written compensation or employment agreements
48 4 except for information otherwise excludable; the date the
48 5 individual was employed by the government body; the positions
48 6 the individual holds or has held with the government body; the
48 7 individual's qualifications for the position that the
48 8 individual holds or has held including but not limited to
48 9 educational background and work experience; and any final
48 10 disciplinary action taken against the individual that resulted
48 11 in the individual's discharge. The bill provides that
48 12 personal information in confidential personnel records of
48 13 government bodies relating to student employees shall only be
48 14 released as provided by federal law.

48 15 ADDITIONAL OPTIONAL PUBLIC RECORDS DESIGNATIONS. The bill
48 16 provides that the following records shall be confidential
48 17 unless otherwise ordered by a court, by the lawful custodian,
48 18 or by another duly authorized person:

48 19 1. PUBLIC EMPLOYMENT APPLICATIONS. The identity and
48 20 qualifications of an applicant for employment by a government
48 21 body if the applicant requests anonymity in writing and the
48 22 government body determines that anonymity is necessary to
48 23 induce the applicant to apply for the public employment
48 24 position shall be confidential. Such information shall be
48 25 exempt from disclosure until an applicant is considered by the
48 26 government body to be a finalist for a position in public
48 27 employment. "Finalist" means a person who is one of five or

48 28 fewer applicants under final consideration for a public
48 29 employment position. If there are five or fewer applicants
48 30 for the particular position, all of the applicants shall be
48 31 considered finalists. The identities and qualifications of
48 32 the finalists shall be made available for public inspection at
48 33 least three business days prior to the final decision.
48 34 Documents relating to a government body's evaluation of the
48 35 qualifications and merits of an applicant for employment by a
49 1 government body are also confidential records unless otherwise
49 2 released by the appropriate person.

49 3 2. TENTATIVE, PRELIMINARY, OR DRAFT MATERIALS. Tentative,
49 4 preliminary, draft, speculative, or research material, created
49 5 prior to its completion for the purpose for which it is
49 6 intended and in a form prior to the form in which it is
49 7 submitted for use or used in the actual formulation,
49 8 recommendation, adoption, or execution of any official policy
49 9 or action by a public official authorized to make such
49 10 decisions for the government body, are confidential unless
49 11 ordered otherwise by the appropriate official. Such materials
49 12 shall be treated as public record at the time they are
49 13 actually used as the basis for the final formulation,
49 14 recommendation, adoption, or execution of any official policy
49 15 or action of a government body.

49 16 3. CLOSED SESSION RECORDS. Information in records that
49 17 would permit a governmental body subject to Code chapter 21 to
49 18 hold a closed session pursuant to Code section 21.5 in order
49 19 to avoid public disclosure of that information.

49 20 INJUNCTION RESTRAINING EXAMINATION OF PUBLIC RECORDS.
49 21 Current law provides that, under specified circumstances, a
49 22 district court may grant an injunction restraining the
49 23 examination, including copying, of a specific public record or
49 24 a narrowly drawn class of public records. Such an injunction
49 25 may be issued only if the petition supported by affidavit
49 26 shows and if the court finds that the examination would
49 27 clearly not be in the public interest and that the examination
49 28 would substantially and irreparably injure any person or
49 29 persons. The bill amends this provision to provide that the
49 30 district court may grant an injunction upon a finding that the
49 31 examination would clearly not be in the public interest
49 32 because the potential harm to the public interest from
49 33 disclosure of the particular information involved clearly
49 34 outweighs any potential benefit to the public interest from
49 35 disclosure, or that the examination would substantially and
50 1 irreparably injure any person or persons because it would
50 2 invade the personal privacy of the identified subject of the
50 3 record and the harm to that person from such disclosure is not
50 4 outweighed by the public interest in its disclosure, or that
50 5 the record at issue is not a public record or that a
50 6 determination by the custodian to permit inspection of an
50 7 optional public record by one or more members of the public is
50 8 a violation of law or is arbitrary, capricious, unreasonable,
50 9 or an abuse of discretion.

50 10 SETTLEMENT AGREEMENTS. Code chapter 22 currently provides
50 11 that a written summary of the terms of settlement or other
50 12 disposition of any claim for damages made against any
50 13 government body or against an employee, officer, or agent of a
50 14 government body, by an insurer pursuant to a contract of
50 15 liability insurance issued to the governmental body, shall be
50 16 filed with the governmental body and shall be a public record.
50 17 The bill provides that all final binding settlement agreements
50 18 between any agency of this state or other unit or official of
50 19 such a government body that resolves a legal dispute between
50 20 such a government body and another person or entity shall
50 21 include a brief summary indicating the identity of the parties
50 22 involved, the nature of the dispute, any underlying relevant
50 23 facts, and the terms of the settlement, and shall be filed
50 24 with the government body and shall be available for public
50 25 inspection.

50 26 TAX-EXEMPT BONDING AUTHORITY == 7C == MEETINGS AND RECORDS.
50 27 The bill provides that an entity eligible to exercise
50 28 tax-exempt bonding authority under Code chapter 7C designated
50 29 by the state to serve as a secondary market for student loans
50 30 and a nonprofit tax-exempt bonding authority under chapter 7C
50 31 whose board of directors is appointed by the governor is
50 32 subject to the provisions of the open meetings and open
50 33 records laws.

50 34 IOWA PUBLIC INFORMATION BOARD. The bill creates the Iowa
50 35 public information board to provide an alternative means by
51 1 which to secure compliance with and enforcement of the
51 2 requirements of Code chapters 21 and 22, to consist of five
51 3 members appointed by the governor, subject to confirmation by

51 4 the senate, to serve four-year staggered terms. The board
51 5 shall be balanced as to political affiliation and gender.
51 6 Vacancies on the board shall be filled by the governor by
51 7 appointment for the unexpired part of the term of the vacancy.
51 8 Any board member may be removed from office by the governor
51 9 for good cause. The board shall select one of its members to
51 10 serve as chair and shall hire a director who shall serve as
51 11 the executive officer of the board. Board members shall be
51 12 paid a per diem and shall be reimbursed for actual and
51 13 necessary expenses incurred while on official board business.
51 14 All per diem and expense moneys paid to board members shall be
51 15 paid from funds appropriated to the board. The board shall
51 16 not have jurisdiction over the judicial or legislative
51 17 branches of state government or any entity, officer, or
51 18 employee of those branches, or over the governor or the office
51 19 of the governor, but the bill does not alter the current
51 20 applicability of Code chapter 22 and the enforcement
51 21 mechanisms provided in Code chapter 22 to any of those bodies.

51 22 The bill provides that any aggrieved person, any taxpayer
51 23 to or citizen of the state of Iowa, the attorney general, or
51 24 any county attorney, may seek enforcement of the requirements
51 25 of Code chapters 21 and 22 by electing either to file an
51 26 action pursuant to Code section 17A.19, 21.6, or 22.9,
51 27 whichever is applicable, or in the alternative, to file a
51 28 timely complaint with the board. If more than one person
51 29 seeks enforcement of Code chapter 21 or 22 with respect to the
51 30 same incident involving an alleged violation, and one or more
51 31 of such persons elects to do so by filing an action under Code
51 32 section 17A.19, 21.6, or 22.9, and one or more of such persons
51 33 elects to do so by filing a timely complaint with the board,
51 34 the court in which the action was filed shall dismiss the
51 35 action without prejudice authorizing the complainant to file a
52 1 complaint with respect to that same incident with the board
52 2 without regard to the timeliness of the filing of that
52 3 complaint at the time the action in court is dismissed. If a
52 4 person files an action seeking to enjoin the inspection of a
52 5 public record, the respondent may remove the proceeding to the
52 6 board for its determination by filing, within 30 days of the
52 7 commencement of that judicial proceeding, a complaint with the
52 8 board alleging a violation of Code chapter 22 in regard to the
52 9 same matter.

52 10 The bill provides that the board shall have the authority
52 11 to employ such employees as are necessary to execute its
52 12 authority, adopt rules with the force of law, interpret the
52 13 requirements of Code chapters 21 and 22, implement any
52 14 authority delegated to the board, issue declaratory orders
52 15 with the force of law, issue informal advice to any person
52 16 concerning the applicability of Code chapters 21 and 22,
52 17 receive complaints alleging violations of Code chapter 21 or
52 18 22, seek resolution of such complaints through mediation and
52 19 settlement, formally investigate such complaints, decide after
52 20 such an investigation whether there is probable cause to
52 21 believe a violation of Code chapter 21 or 22 has occurred, and
52 22 if probable cause has been found, prosecute the respondent
52 23 before the board in a contested case proceeding conducted
52 24 according to the provisions of Code chapter 17A. The board
52 25 shall also have the authority to issue subpoenas enforceable
52 26 in court, issue orders with the force of law, represent itself
52 27 in judicial proceedings, make training opportunities
52 28 available, disseminate information to inform the public about
52 29 the public's right to access government information, prepare
52 30 and transmit reports to the governor and the general assembly,
52 31 at least annually, describing complaints received, board
52 32 proceedings, investigations, hearings conducted, decisions
52 33 rendered, and other work performed by the board, and make
52 34 recommendations to the general assembly concerning legislation
52 35 relating to public information access.

53 1 The bill provides that a complaint must be filed within 60
53 2 days from the time the alleged violation occurred or the
53 3 complainant could have become aware of the violation with
53 4 reasonable diligence. The board shall not charge a
53 5 complainant any fee in relation to the filing of a complaint,
53 6 the processing of a complaint, or any board proceeding or
53 7 judicial proceeding resulting from the filing of a complaint.

53 8 The bill provides that upon receipt of a complaint, the
53 9 board shall either make a determination that, on its face, the
53 10 complaint is within the board's jurisdiction, appears legally
53 11 sufficient, and could have merit, in which case the board
53 12 shall accept the complaint, or make a determination that, on
53 13 its face, the complaint is outside the board's jurisdiction,
53 14 is legally insufficient, is frivolous, or without merit, or

53 15 involves harmless error, or relates to a specific incident
53 16 that has previously been finally disposed of on its merits by
53 17 the board or a court, in which case the board shall decline to
53 18 accept the complaint. If the board declines to accept the
53 19 complaint, the board shall provide the complainant with a
53 20 written statement detailing the reasons for the denial.

53 21 After accepting a complaint, the board shall work with the
53 22 parties to reach an informal resolution of the complaint, but
53 23 if an informal resolution is not possible, the board shall
53 24 offer the parties the opportunity to resolve the dispute
53 25 through mediation and settlement which shall provide the
53 26 complainant the opportunity to resolve the dispute with the
53 27 aid of a neutral mediator employed and selected by the board.

53 28 If any party declines mediation or settlement or if
53 29 mediation or settlement fails to resolve the matter to the
53 30 satisfaction of all parties, the board shall initiate a formal
53 31 investigation concerning the facts and circumstances set forth
53 32 in the complaint. After investigation, the board shall make a
53 33 determination as to whether the complaint is within the
53 34 board's jurisdiction and whether there is probable cause to
53 35 believe that the complaint states a violation of Code chapter
54 1 21 or 22 and if the board finds the complaint is outside the
54 2 board's jurisdiction or there is not probable cause to believe
54 3 there has been a violation, the board shall issue a written
54 4 order explaining the reasons for the board's conclusions and
54 5 dismissing the complaint. If the board finds the complaint is
54 6 within the board's jurisdiction and there is probable cause to
54 7 believe there has been a violation, the board shall issue a
54 8 written order to that effect and shall commence a contested
54 9 case proceeding against the respondent. An attorney selected
54 10 by the director of the board shall prosecute the respondent in
54 11 the contested case proceeding. At the termination of the
54 12 contested case proceeding the board shall, by a majority vote
54 13 of its members, render a final decision as to the merits of
54 14 the complaint and issue any appropriate order to ensure
54 15 enforcement of Code chapter 21 or 22 or to remedy any failure
54 16 of the respondent to observe any provision of those Code
54 17 chapters. If the board determines, by a majority vote of its
54 18 members, that the respondent has violated Code chapter 21 or
54 19 22, the board may also require the respondent to pay damages
54 20 if such damages would be warranted under either Code chapter
54 21 and may void any action taken in violation of Code chapter 21.
54 22 The board does not have the authority to remove a person from
54 23 public office for a violation of Code chapter 21 or 22 but may
54 24 file an action under either Code chapter to remove a person
54 25 from office for violations that would subject a person to
54 26 removal under those Code chapters. A final board order
54 27 resulting from such proceedings may be enforced by the board
54 28 in court and is subject to judicial review pursuant to Code
54 29 section 17A.19.

54 30 A respondent may defend against a proceeding before the
54 31 board charging a violation of Code chapter 21 or 22 on the
54 32 ground that if such a violation occurred it was only harmless
54 33 error or that clear and convincing evidence demonstrated that
54 34 grounds existed to justify a court to issue an injunction
54 35 against disclosure.

55 1 The bill provides that the initial members of the board
55 2 shall be appointed by September 1, 2008, the director and
55 3 employees of the board shall not be hired prior to July 1,
55 4 2009, and the board shall submit a report to include a job
55 5 description for the executive director of the board, goals for
55 6 board operations, and performance measures for the board prior
55 7 to July 1, 2009.

55 8 JUDICIAL BRANCH RECORDS == COURT RULES. The bill provides
55 9 that Code chapter 22 does not apply to government records
55 10 owned, created, possessed, or under the control of the
55 11 judicial branch related to the performance by the court or the
55 12 court's judicial functions. The bill provides that the Iowa
55 13 supreme court shall prescribe rules governing access to such
55 14 records consistent with the purposes of Code chapter 22.

55 15 APPROPRIATION == IOWA PUBLIC INFORMATION BOARD. The bill
55 16 appropriates \$6,000 from the general fund to the department of
55 17 management for FY 2008=2009 for the initial expenses of the
55 18 Iowa public information board.

55 19 EFFECTIVE DATE. Except as otherwise provided, the bill
55 20 takes effect July 1, 2009.

55 21 LSB 5233SZ 82

55 22 rh/rj/14